

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

PARTYLITE GIFTS, INC.,	:	
	:	
Plaintiff,	:	
	:	Case No. 3:06-cv-00170
v.	:	
	:	Varlan/Shirley
SWISS COLONY OCCASIONS	:	
A/K/A ACCESS VENTURES, INC.,	:	
SWISS COLONY, INC.(sic), and	:	Jury Trial Demanded
KATHY WATKINS,	:	
	:	
Defendants.	:	

ACCESS VENTURES, INC.'S MOTION TO COMPEL DISCOVERY

Defendant Access Ventures, Inc. ("Access"), by its counsel, hereby moves this Court pursuant to Federal Rules of Civil Procedure 33, 34 and 37, to issue an Order compelling discovery from Plaintiff PartyLite Gifts, Inc. ("PartyLite") on the matters discussed herein. In support of this Motion, Access states as follows:

1. Access served PartyLite with Defendant's First Set of Interrogatories Nos. 1-25 and First Set of Document Requests Nos. 1-41 (Access' "First Set of Discovery"), on or about August 1, 2006. Those documents are attached to the Declaration of Amy O. Bruchs, Esq., filed contemporaneously herewith, as Exhibit A.

2. After an interlocutory appeal delayed discovery, the parties agreed in their Rule 26(f) Report [Doc. 56] that responses to outstanding discovery requests would be propounded by January 25, 2008.

3. PartyLite served it's responses to Access' First Set of Discovery on January

25, 2008. Those responses were incomplete and deficient, and were addressed in a letter to Plaintiff's counsel, James Sandnes, on March 14, 2008. To date, there has been no response to that letter.

4. PartyLite produced certain documents which were received on April 15, 2008, but those documents are not material and do not address the deficiencies in PartyLite's responses.

For all the above reasons, Defendant Access Ventures, Inc. respectfully requests that the Court grant its Motion to Compel, by ordering the following:

- a. A full and detailed response to Access' First Set of Discovery Requests by April 30, 2008 or otherwise as soon as possible; and
- b. Sanctions, including Access' attorney fees and costs in bringing this motion.

This motion is supported by the Declaration of Amy O. Bruchs, Esq., the Declaration of Farrah N. W. Rifelj, Esq., and a memorandum in support filed contemporaneously herewith.

Respectfully Submitted,

GRANT, KONVALINKA & HARRISON, P.C.

By: s/John P. Konvalinka
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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular United States mail. Parties may access this filing through the Court's electronic filing system.

s/John P. Konvalinka

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